

12-18-2003

Form PTO-1594

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings

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U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): 12.1-03

Bank of America, N.A., as Administrative Agent

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☐ Corporation-State
☒ Other National Banking Association

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Release of Trademarks

Execution Date: 11/12/2003

2. Name and address of receiving party(ies)

Name: APIO, Inc.

Internal

Address: _____

Street Address: 4595 Main StreetCity: Guadalupe State: CA Zip: 93434

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☒ Corporation-State Delaware
☐ Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No

(Designations must be a separate document from assignment)

Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 75863153; 76118012;
76197175B. Trademark Registration No.(s) See Exhibit A
attachedAdditional number(s) attached ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Bank of America, N.A.Internal Address: Legal DepartmentATTN: Ann Sakamoto

CA5-705-08-01

Street Address: 555 California Street

8th Floor

City: San Francisco State: CA Zip: 941046. Total number of applications and registrations involved: 117. Total fee (37 CFR 3.41).....\$ 290.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

20-0052

DO NOT USE THIS SPACE

9. Signature.

Christine E Wilson

Ann Sakamoto

Name of Person Signing

Christine E WilsonSakamoto

Signature

Total number of pages including cover sheet, attachments, and document: 4Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignments
Washington, D.C. 20231

12-01-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #64

TRADEMARK
REEL: 002881 FRAME: 0374

Attachment to Recordation Form Cover Sheet
TRADEMARKS ONLY

4.b. Trademark Registration No.(s) continued:

2291561
2459364
2412439
2423247
2286649
2079117
2149908
2549383

RELEASE OF TRADEMARKS

THIS RELEASE, dated November 12, 2003, is given by BANK OF AMERICA, N.A., as Administrative Agent ("Bank").

WITNESSETH:

WHEREAS, Bank and APIO, Inc. (formerly known as Bush Acquisition Corporation), a Delaware corporation (the "Company") are parties to a certain Trademark Security Agreement dated as of November 29, 1999 (the "Security Agreement"), pursuant to which the Company granted a security interest in certain trademarks listed on Exhibit "A" attached hereto (the "Trademarks") and certain other property as security for the Company's Secured Obligations (as defined in the Security Agreement) to Bank;

WHEREAS, the Security Agreement was recorded by the Assignment Division of the U.S. Patent and Trademark Office on March 30, 2002, on Reel 002464, Frame 0666;

WHEREAS, the Company has satisfied the Secured Obligations and has requested that Bank release its security interest in the Trademarks;

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged:

Bank hereby releases its security interest in:

(i) The Trademarks and other related property, as more particularly described in Paragraph 1 of the Security Agreement; and

(ii) All proceeds of all of the foregoing.

IN WITNESS WHEREOF, Bank has caused this Release to be duly executed by its duly authorized officer as of the day and year first above written.

Bank of America, N.A. as Administrative Agent

By [Signature]
John Plecque
Senior Vice President

ACKNOWLEDGEMENT

State of California

County of Santa Clara

On 11/12/03 before me, Jennifer S. DeMartini personally appeared John Plecque, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature]
Notary Public



EXHIBIT A

APIO, INC.
(formerly known as Bush Acquisition Corporation)

TRADEMARKS AND SERVICE MARKS

<u>Registration/Application No.</u>	<u>Trademark or Service Mark</u>
2291561	Pacific West Great White
2459364	Song Hee
2412439	Value Fresh
2423247	Cal Ex
2286649	Great White
2079117	Pacific West
2149908	Snack Pak
75863153	Eat Smart
2549383	Casino
76118012	APIO
76197175	Health Topper